APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/059,547	01/28/2002	Yakov Kamen	007287.00029	5977

22907   7590   07/10/2008
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EXAMINER
NGUYEN BA, HOANG VU A

ART UNIT	PAPER NUMBER
2623	

MAIL DATE	DELIVERY MODE
07/10/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _14 April 2008_.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-27 and 29-34_ is/are pending in the application.
      4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) _1-27 and 29-34_ is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
      Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
      Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
      a)☐ All   b)☐ Some * c)☐ None of:
          1.☐ Certified copies of the priority documents have been received.
          2.☐ Certified copies of the priority documents have been received in Application No. _____.
          3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
      * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
      Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
      Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to amendment filed April 14, 2008.

2.   Claims 1-27 and 29-34 are pending. Claims 1, 13 and 25 are independent claims.

Response to Amendments

3.   Per Applicant's request, claim 25 has been amended; claim 28 has been canceled; and
new claims 32-34 have been added.

Response to Arguments

4.   Applicant's arguments in the Remarks section of the amendment filed April 14, with
respect to claims 1, 13 and 25 have been fully considered and are persuasive. The rejection of
claims 1-5, 10-11, 13-17, 22-23, 25, 27 and 29-31 as being unpatentable over U.S. Patent No.
5,880,768 to Lemmons et al. ("Lemmons768") in view of U.S. Patent Application No. 6,754,906
to Finseth has been withdrawn.

Claim Objections

5.   Claim 29 is objected to because it depends from the canceled claim 28.

        Appropriate correction is required.

Claim Rejections – 35 USC § 102

6.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form
the basis for the rejection under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in

(1) an application for patent, published under section 122(b), by another filed in the United States before
the invention by the applicant for patent, or

(2) a patent granted on an application for patent by another filed in the United States before the invention
by the applicant for patent, except that an international application filed under the treaty defined in section 351(a)
shall have the effects for the purposes of this subsection of an application filed in the United States and was
published under Article 21(2) of such treaty in the English language.

7.   Claims 1, 13 and 25 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S.
Patent No. 6,925,650 to Arsenault et al. ("Arsenault").

Claims 1 and 13

Arsenault discloses at least:

*determining a number of block instances available to a viewer in an interactive
programming guide (IPG)* (see at least 2:1—3:6; e.g., the claimed number of block
instances being interpreted as Arsenault's number of segments associated with
programs);

*determining a number of available information attribute sets to be presented to
the viewer* (see at least 2:1—3:6; e.g., the claimed attribute sets being interpreted as
Arsenault's list of keywords);

*comparing the number of block instances with the number of available
information attribute sets* (see at least 2:1—3:6);

*based on the comparison, mapping the available information attribute sets to the
number of available block instances to generate mapped block instances* (see at least
2:1—3:6); *and*

displaying the mapped block instances contiguously (see at least FIG. 5).

Claim 25

Arsenault discloses at least:

a processor (see at least FIG. 4, component 144); *and*

a memory coupled with processor (see at least FIG. 4, component 148), *the
memory operable to include a first queue to store active data elements and a second
queue to store inactive data elements, wherein the a number of block instances are
compared with a number of available data elements* (see at least 2:1 – 3:6; e.g., the
claimed active data being interpreted as the segment associated with a program and the
claimed inactive data being interpreted as list of keywords), *and*

       wherein based on the comparison, the active data elements are displayed in visible block instances in an interactive programming guide (IPG) (see at least 2:1 – 3:6;), *and*

       wherein the visible block instances are displayed contiguously (see at least FIG. 5).

Claim Rejections - 35 USC § 103

8.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9.   Claims 2-5, 10-11, 14-17, 22-23, 26-27, 29 and 30-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,925,650 to Arsenault et al. ("Arsenault") in view of U.S. Patent No. 5,880,768 to Lemmons et al. ("Lemmons").

Claims 2, 14 and 26

Arsenault does not specifically disclose the feature recited in the claims.

However, in an analogous art, Lemmons discloses *wherein each of the mapped block instances is associated with one or more structure attributes* (see at least 15:25-61; e.g., program of interest highlighted indicating the presence of the cursor).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use the feature of Lemmons in Arsenault because the feature would allow the viewer to consider other programs that may be scheduled for telecast at the same time as the highlighted program before making a selection.

Claims 3 and 15

The combination Arsenault-Lemmons further discloses *wherein when the number of available information attributes is less than the number of block instances, two or more block*

instances are mapped with the same information attributes (see at least Lemmons; FIG. 7 and 13:46-52; when the number of search criteria – e.g., Action and Rating – is less than the number of programs, the action-related programs are listed under the header R – e.g., True Lies, Hurricane Smith, Speed).

Claims 4 and 16

The combination Arsenault-Lemmons further discloses *wherein when the number of available information attributes is less than the number of block instances, one or more block instances is not visible to the viewer* (see at least Lemmons; FIG. 7 and 13:46-52; the remaining of the 78 programs found are not displayed on the screen of FIG. 7).

Claims 5 and 17

The combination Arsenault-Lemmons further discloses *wherein when the number of available information attributes is less than the number of block instances, the number of displayed mapped block instances is less than the number of available block instances* (see at least Lemmons; FIG. 7 and 13:46-52; the remaining of the 78 programs found are not displayed on the screen of FIG. 7).

Claims 10, 22 and 29

The combination Arsenault-Lemmons further discloses *wherein the mapped block instances are displayed contiguously on a surface* (see at least Lemmons; FIG. 7, e.g., the program menu 206).

Claims 11 and 23

The combination Arsenault-Lemmons further discloses *wherein the surface is a bar* (see at least Lemmons; FIG. 7, column 206 which is a bar).

Claim 27

The combination Arsenault-Lemmons further discloses *wherein each data element is associated with one or more structure attributes* (see at least Lemmons; 8:62-67).

Claim 30

The combination Arsenault-Lemmons further discloses *wherein an inactive data element is displayed in a visible block instance by moving the inactive data element from the inactive queue to the active queue* (see at least Lemmons; 14:31-64, 15:47-55).

Claim 31

The combination Arsenault-Lemmons further discloses *wherein an inactive data element is displayed in the visible block instance by swapping the inactive data element with an active data element being displayed in the visible block instance* (see at least Lemmons; 14:31-64, 15:47-55).

10.   Claims 6-7, 12, 18-19 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,925,650 to Arsenault et al. ("Arsenault") in view of U.S. Patent No. 6,481,011 to Lemmons ("Lemmons011").

Claims 6 and 18

Arsenault does not specifically disclose *wherein each displayed mapped block instances is manipulated independently of the other displayed mapped instances*.

However, in an analogous art, Lemmons011 discloses the option to selecting assigning a color to selected program of interest (see at least FIG. 3, step 62) for the purpose of allowing a user to easily recognize a program when it appears in the program menu.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to incorporate this feature of Lemmons011 in Arsenault for the purpose discussed above.

Claims 7 and 19

The combination Arsenault-Lemmons011 further discloses *wherein each displayed mapped block instance is manipulated by modifying the associated one or more structure attributes* (see at least Lemmons011, FIG. 3, steps 62-64).

Claim 12 and 24

The combination Arsenault-Lemmons011 further discloses *wherein the surface is associated with one or more surface attributes* (see at least FIGs. 5-6).

11.   Claims 8-9 and 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,925,650 to Arsenault et al. ("Arsenault") in view of U.S. Patent No. 6,481,011 to Lemmons ("Lemmons011") and further in view of U.S. Patent No. 6,732,367 to Ellis et al. ("Ellis").

Claims 8 and 20

The combination Arsenault-Lemmons011does not specifically disclose *wherein each displayed mapped block instance is manipulated by modifying the associated one or more information attributes.*

However, in an analogous art, Ellis discloses how to not display objectionable title in the program menu and change the objectionable title to an unobjectionable or generic one (see at least FIG. 8-11 and 9:3-46) for the purpose of preventing children from being tempted to view potentially objectionable programs.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use this feature of Ellis in the combination Arsenault-Lemmons011 for the same purpose discussed above.

Claims 9 and 21

The combination Arsenault-Lemmons011 further discloses *wherein each displayed mapped block instance is manipulated by modifying the associated one or more structure attributes* (see at least Lemmons011, FIG. 3, steps 62-64).

The combination Arsenault-Lemmons011 does not specifically disclose *wherein each displayed mapped block instance is manipulated by modifying the associated one or more information attributes.*

However, in an analogous art, Ellis discloses how to not display objectionable title in the program menu and change the objectionable title to an unobjectionable or generic one (see at least FIG. 8-11 and 9:3-46) for the purpose of preventing children from being tempted to view potentially objectionable programs.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use this feature of Ellis in the combination Arsenault-Lemmons011 for the same purpose discussed above.

12.   Claims 32-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,925,650 to Arsenault et al. ("Arsenault") in view of U.S. Patent No. 5,880,768 to Lemmons et al. ("Lemmons"), further in view of U.S. Patent No. 6,732,367 to Ellis et al. ("Ellis") and further in view of U.S. Patent No. 6,754,906 to Finseth.

Claims 32 and 33

The combination Arsenault-Lemmons does not specifically disclose *wherein the display of each block instance mapped with the same information attributes as another block instance is identical*.

However, in an analogous art, Finseth discloses that the program titles (e.g., the claimed attribute) are arranged in the display so that the program titles which belong to the same organizational categories are spatially adjacent (i.e., the claimed "wherein the display of the each block instance ... is identical) (see at least Abstract).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use the feature as taught by Finseth in the combination Arsenault-Lemmons because the of this feature would help improve Arsenault's automation of creation of common information that can be displayed together.

13.   Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,925,650 to Arsenault et al. ("Arsenault") in view of U.S. Patent No. 6,754,906 to Finseth.

Arsenault does not specifically disclose *wherein the display of each block instance mapped with the same information attributes as another block instance is identical.*

However, in an analogous art, Finseth discloses that the program titles (e.g., the claimed attribute) are arranged in the display so that the program titles which belong to the same organizational categories are spatially adjacent (i.e., the claimed "wherein the display of the each block instance ... is identical) (see at least Abstract).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use the feature as taught by Finseth in Arsenault because the of this feature would help improve Arsenault's automation of creation of common information that can be displayed together.

Conclusion

14.   The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

15.   Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Hoang-Vu A. Nguyen-Ba whose telephone number is (571) 272-3701. The Examiner can normally be reached on Tuesday -Friday from 7:00 – 17:30.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, John Miller can be reached at (571) 272-7353.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2600 Group receptionist: 571-272-2600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Hoang-Vu Antony Nguyen-Ba/
Primary Examiner, Art Unit 2623
July 4, 2008